

passed to third reading; rule suspended, read third time and passed.

Senator Tracy called up Senate bill No. 151, "An act to incorporate the Mechanics' Real Estate and Building Association of Harris county." Read second time and ordered engrossed; rules suspended, read third time and passed.

Senator Word called up a bill, House bill No. 437, "An act to authorize the County Court of McLennan county to levy a special tax for the purpose of building a court house and jail, and to provide for the safe keeping and disbursement of the moneys arising therefrom." Read second time and passed to a third reading; rules suspended, read third time and passed.

Senator Pickett called up a bill, House bill No. 376, "An act making an appropriation to pay the printing account of Richardson, Belo & Co. for the Comptroller's office." Read second time and referred to the Committee on Finance.

On motion of Senator Flanagan, the Senate went into executive session.

The executive session having arisen, the secretary of the Senate was instructed to inform the Governor that the Senate do advise and consent to the appointment of Robert Zapp to be notary public of Fayette county, and J. W. Glenn to be State Geologist.

On motion, the Senate adjourned till 10 o'clock tomorrow.

SENATE CHAMBER.

AUSTIN, TEXAS, March 28, 1873.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Shelley, the reading of the journal of yesterday was dispensed with.

A message was received from the House informing the Senate that the House had adopted a concurrent resolution authorizing the Governor to sell or hypothecate the State bonds now in the hands of Messrs. Williams & Guion, in the city of New York, and apply so much of the proceeds as are necessary to the liquidation of the in-

debtedness of the State to the said Williams & Guion, and place the remainder in the State Treasury to the credit of the general fund.

Senator Shelley moved a suspension of the rules to take up out of its order House bill No. 532, "An act to amend an act regulating elections, passed at the present session of the Legislature." Lost by the following vote:

Yeas—Senators Cole, Dillard, Finlay, King, Latimer, Pyle, Sayers, Shelley and Mr. President—9.

Nays—Senators Avinger, Baker, Ford, Flanagan, Franks, Gaines, Rawson, Randle, Tendick and Tracy—10.

Senator Pyle presented a petition from the citizens of Ellis county, regarding depredations on stock. Read and referred to the Committee on Stock and Stock Raising.

Senator Tracy presented the following memorial:

The memorial of John G. Tod respectfully represents to the honorable Senate, that, in his application for pay due him under his being reappointed to his rank in the navy of the late Republic of Texas, it was predicated more upon the strength of its merits from the fact that he had returned to Texas from his duties as Naval Agent to the United States in the year 1840, having superintended the building and equipment of one ship, two brigs, and three schooners of war for the Republic. That he disbursed his salary at that time to the amount of near \$2000 in gold, laying it out for supplies for the service; and on his return to Texas received the depreciated currency of the day, which was at the rate of six and eight for one.

This he did cheerfully, as the Republic was poor, without credit, and he felt it his duty, as others did, to contribute his mite towards sustaining her in her days of want and trial.

These are matters of record.

Hoping that this explanation may be spread on the journals of the Senate as a justification of his seeking for relief, which he hoped would have been granted, as he felt he was entitled to your favorable consideration. And your memorialist will ever pray, etc.

JOHN G. TOD,

Captain of late Navy of Texas.

Senator Shelley, chairman of the Committee on Finance, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Finance, to whom was re-

ferred House bill No. 195, entitled "An act to authorize the County Court of Henderson county to levy a tax to pay the outstanding indebtedness, the repairing of bridges, the jail and court house, and for all other purposes for which the said county court is by law authorized to levy a tax," having carefully considered the same, instruct me to report the bill back to the Senate, and recommend its passage.

N. G. SHELLEY, Chairman.

Senator Latimer, chairman of the Committee on Roads, Bridges and Ferries, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 379, a bill to be entitled "An act to authorize James P. Dumas and such other persons as he may associate with him, and their successors, to construct, own and keep a toll bridge on, over and across Choctaw Bayou, in Grayson county, Texas," having had the same under consideration, authorize me to report the same back, with the recommendation that it do pass.

H. R. LATIMER, Chairman.

Senator Finlay, chairman *pro tem.* of the Committee on State Affairs, submitted the following reports:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 442, to be entitled "An act to incorporate the town of Mexia, in Limestone county," having carefully considered the same, I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendments, viz.:

Amend section five, lines five and six, by striking out the words "or State in criminal cases tried before the mayor."

Amend section seven by striking out all after the word "duties," in line four, to the end.

Amend section ten by striking out all after the word "corporation," in line four, down to and including the word "matter," in line six.

Amend same section by striking out all after the word "corporation," in line ten, down to and including the word "view," in line eleven.

GEO. P. FINLAY, Chairman *pro tem.*

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on State Affairs, to whom was

referred Senate bill No. 227, "An act to incorporate the town of Jacksonville, in Cherokee county," having carefully considered the same, I am instructed to report it back to the Senate and recommend its passage, with the following amendment, viz.:

Amend by striking out sections eleven and eighteen, and all of fourteen after the word "corporation," in third line.

GEO. P. FINLAY, Chairman *pro tem.*
Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 224, to be entitled "An act to incorporate the town of Stephenville, in Erath county," having carefully considered the same, I am instructed to report it back to the Senate and recommend its passage, with the following amendment, viz.:

Amend section eight by striking out all after the word "powers," in line three, down to and including the word "fees," in line eight.

GEO. P. FINLAY, Chairman *pro tem.*
Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 225, to be entitled "An act to amend the twenty-second section of an act entitled an act to consolidate into one act and amend the several acts incorporating the town of Rusk, in Cherokee county," having carefully considered the same, I am instructed to report it back to the Senate with the recommendation that it do pass.

GEO. P. FINLAY, Chairman *pro tem.*
Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 205, to be entitled "An act to authorize the County Court of Montague county to levy a special tax for the purpose of building a court house and jail, and to provide for the safe keeping and disbursement of the revenue arising therefrom," having carefully considered the same, I am instructed to report it back to the Senate and recommend its passage.

GEO. P. FINLAY, Chairman, *pro tem.*

Senator Franks introduced a bill entitled "An act authorizing the several courts of this State to levy and collect a special tax for certain purposes." Read first time and referred to the Committee on Finance.

Also, a bill entitled "An act to repeal an act to prohibit the carrying of fire-arms on premises or plantations of any citizen without the consent of the owner, approved November 5, 1866." Read first time and referred to Judiciary Committee No. 2.

Senator Sayers introduced a bill entitled "An act providing for the payment of pensions granted to the surviving veterans of the revolution which separated Texas from Mexico, under act of August 13, 1870, and appropriating fifty thousand dollars therefor." Read first time and referred to the Committee on Finance.

Also, a bill entitled "An act to provide for the sale of lands belonging to the common school fund, and the lands set apart to the several State asylums." Read first time and referred to the Committee on Finance.

The following communication was taken from the President's desk, read, and referred to the Committee on Penitentiary:

HUNTSVILLE, TEXAS, March 23, 1873.

Hon. E. B. Pickett, President of the Senate:

SIR: The undersigned, lessees of the State Penitentiary, would respectfully extend to the Committee on Penitentiary an invitation to visit the institution under their charge, that they may upon the premises see what has been done, is now doing, and what should be done to make this institution all that the State intended.

We have the honor to be, sir, very respectfully,

WARD, DEWEY & CO., Lessees.

The following House bills were taken from the President's desk, read first time and referred to the committees indicated:

House bill No. 52, "An act to establish a uniform time for holding municipal elections throughout the State." Referred to Judiciary Committee No. 2.

House bill No. 491, "An act to define the boundary line between the counties of Kendall and Kerr." Referred to the Committee on Counties and County Boundaries.

House bill No. 320, "An act to authorize the County Court of Comanche county to issue bonds for certain purposes." Referred to the Committee on Finance.

House bill No. 469, "An act to incorporate the Farmers' Cotton Press Company." Referred to the Committee on State Affairs.

House bill No. 443, "An act to incorporate the town of

Cuero, in De Witt county." Referred to Committee on State Affairs.

House bill No. 251, "An act to incorporate Leesburg Institute, in Upshur county." Referred to the Committee on Education.

House bill No. 155, "An act for the protection of the farming interests of the State." Referred to the Committee on Agriculture.

House bill No. 19, "An act concerning town and city corporations." Referred to the Committee on State Affairs.

House joint resolution No. 484, "In relation to the printing of railroad charters." Referred to the Committee on Printing.

Senate bill No. 195, to be entitled "An act to regulate proceedings upon *mandamus* and *quo warranto*," was read third time and passed by the following vote:

Yeas—Senators Baker, Cole, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, King, Pyle, Rawson, Randle, Ruby and Tracy—14.

Nays—Senators Avinger, Ball, Dillard, Evans, Latimer, Sayers, Shelley, Swift, Tendick, Word and Mr. President—11.

Senator Fountain moved to reconsider the vote just taken and to lay the motion on the table. Carried by the following vote:

Yeas—Senators Baker, Cole, Ford, Finlay, Flanagan, Fountain, Gaines, King, Pyle, Rawson, Randle, Ruby and Tracy—13.

Nays—Senators Avinger, Ball, Dillard, Evans, Franks, Latimer, Sayers, Shelley, Swift, Tendick, Word and Mr. President—12.

On motion of Senator Swift, the rules were suspended to take up out of its order Senate bill No. 212, "An act making a new apportionment of the Representative and Senatorial districts of the State of Texas." The bill was recommitted.

Senator Sayers, chairman of the Committee on Engrossed Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Engrossed Bills have examined the following bills, and find them correctly engrossed:

Bill No. 169, "An act authorizing the Police Court of

Grayson county to contract for the building of a court house in said county."

Bill No. 222, "An act supplementary to an act to amend the first section of an act entitled an act for the incorporation of the city of Paris, in the county of Lamar, approved August 10, 1870, approved May 23, 1871."

Bill No. 221, "An act making an appropriation for the removal of the remains of Captain Thomas Williams, and others, and their burial in the State cemetery."

Bill No. 217, "An act to authorize the County Court of Rusk county to issue bonds for the purpose of funding the indebtedness of said county, and to provide for their payment."

Bill No. 160, "An act for the relief of Obediah P. Reams."

Substitute for Senate bills Nos. 52, 61 and 68, "An act to amend sections one, one hundred and fourteen, one hundred and ninety-two, two hundred and seventeen, two hundred and thirty five, two hundred and forty, two hundred and forty-two, two hundred and fifty, two hundred and fifty-one, two hundred and fifty-two, two hundred and sixty-six and three hundred and forty-one of an act entitled an act prescribing the mode of proceeding in the district courts in matters of probate, approved August 15, 1870."

J. D. SAYERS, Chairman.

House concurrent resolution, inviting forty thousand Menonites to settle in Texas, was read and adopted.

House bill No. 82, "An act to authorize the County Court of Maverick county to issue interest-bearing bonds, and to levy a tax to pay the same," was read second time; rules suspended, read third time and passed.

A message was received from the House informing the Senate that the House had passed the following bills:

House bill No. 537, "An act incorporating the city of Jefferson, in Marion county."

House bill No. 218, "An act incorporating the Pioneer Fire Company No. 1 of the city of Corpus Christi."

House bill No. 256, "An act incorporating the Hebrew Benevolent Society of Calvert, in Robertson county."

House bill No. 293, "An act incorporating the Lee Fire Engine Company No. 5 of the city of Galveston."

House bill No. 318, "An act to repeal section sixty of an act concerning private corporations, approved December 2, 1871."

House bill No. 213, "An act prohibiting the sale of spirituous liquors within two miles of the High School at Summerfield, in Upshur county."

House bill No. 429, "An act to authorize H. B. Baston, A. Hamilton and R. B. Hudson to erect a pontoon bridge over the Guadalupe river, at the town of Clinton, in De Witt county."

House concurrent resolution, authorizing the Governor to dispose of the State bonds in the hands of Williams & Guion, was taken up, read and referred to the Committee on Finance.

Senator Fountain, by leave, introduced a bill to amend the sixth section of "An act to incorporate the town of Ysleta, in El Paso county, approved May 9, 1871."

On motion of Senator Latimer, Senator Ruby was added to the select committee on apportionment.

On motion of Senator Franks, Senator Sayers was excused from further serving as chairman of the Committee on Engrossed Bills, he having so many other committees requiring his attention.

Senate bill No. 135, "An act relating to paupers and minors, and to establish county farms for manual labor, poor houses, and houses of correction," read second time and made special order for Wednesday next at 10:30 o'clock.

Senate bill No. 83, "An act confirming the title to certain property in the city of Austin," with a report from Judiciary Committee No. 2, recommending the rejection of the bill, was taken up, and report adopted and bill rejected.

Senate bill No. 91, "An act to amend the Penal Code," was read second time and referred to the Committee on Stock and Stock Raising.

Senate bill No. 122, "An act to amend an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction, etc., approved August 13, 1870," was referred to Judiciary Committee No. 1.

Senate bill No. 140, "An act making an appropriation to defray the contingent expenses of the Thirteenth Legislature," was read second time and referred to Committee on Finance.

Senate bill No. 19, "An act to amend an act prescribing the times of holding the district courts in the several judicial districts, approved October 1, 1871," was read and referred to Committee on Judicial Districts.

Senate bill No. 76, "An act prescribing the mode of establishing the liabilities of drawers and indorsers of bills of exchange and promissory notes, approved March 1, 1848," was read third time and rejected.

Senate bill No. 88, "An act to amend the third section of an act concerning divorce and alimony, approved January 6, 1841," read second time and ordered engrossed; rules suspended, bill read third time and passed.

On motion of Senator Tendick, the report of the select committee on the veto message of the Governor was re-referred to the same committee.

House bill No. 81, "An act to amend an act to authorize the transcript of the records of the County Court of Bowie county," read second time and passed to third reading; rules suspended, read third time and passed.

House concurrent resolution to repeal the concurrent resolution of May 13, 1870, on the subject of mileage, was taken up and referred to Finance Committee.

House bill No. 67, "An act repealing all laws authorizing persons, departments, or heads of departments, or officers of counties, to have printing done at the expense of the State," read second time and re-referred to Judiciary Committee No. 2.

House bill No. 144, "An act to amend an act to establish a Code of Criminal Procedure for the State of Texas, approved August 26, 1856," with a report from Judiciary Committee No. 2, recommending that the bill do not pass, taken up and report adopted.

House bill No. 97, "An act to regulate the conduct of public officers," together with a report from Judiciary Committee recommending amendments, taken up. Bill read second time and amendments of committee adopted.

Senator Franks moved to amend section two, line three, by striking out the word "State." Adopted, and bill passed to third reading; rules suspended, bill read third time, one hundred copies ordered printed, and made special order for Tuesday next at 10:30 A. M.

A message was received from the House informing the Senate that the House had passed Senate bill No. 53, "An act for the relief of John H. Jenkins."

Senate bill No. 48, "An act authorizing the patenting of a certain bounty warrant therein named."

Senate bill No. 5, "An act for the relief of the heirs and assigns of Haynes Crabtree, deceased."

House bill No. 164, "An act to prohibit the sale or otherwise disposing of intoxicating liquors within two miles of the Acton Masonic Institute, in Hood county," read second time and passed to third reading; rules suspended, read third time and passed.

House bill No. 279, "An act to prohibit the sale of intoxicating liquors within two miles of Birds Creek School House, in Bell county," read second time and passed to third reading; rules suspended, bill read third time and passed.

House bill No. 278, "An act to prohibit the sale of spirituous liquors within two miles of Midway, in Madison county," read second time and passed to third reading; rules suspended, read third time and passed.

Senator Sayers offered the following resolution:

WHEREAS, it is expected that Mr. Jefferson Davis will visit the city of Galveston at an early day;

Be it resolved by the Senate of the State of Texas, the House of Representatives concurring, That he be invited to extend his visit to the capital of the State, and that the President of the Senate furnish him with a copy of this resolution.

Adopted by the following vote:

Yeas—Senators Avinger, Ball, Cole, Dillard, Evans, Ford, Finlay, Flanagan, Franks, Gaines, King, Pyle, Randle, Sayers, Shelley, Swift, Tendick, Word and Mr President—19.

Nays—Senators Baker, Fountain, Rawson, Ruby and Tracy—5.

House bill No. 116, "An act to amend the first section of an act to amend the first section of an act to regulate proceedings in the district courts, approved May 13, 1846, approved December 10, 1863," with report from Judiciary Committee No. 1, recommending amendments, was taken up, amendments adopted, and one hundred copies of the bill as amended ordered printed.

Senator Finlay offered the following resolution:

Resolved, That a committee of six be appointed, with instructions to report a bill redistricting the State into six Congressional districts.

Adopted.

The Senate then took up the motion to reconsider the vote refusing to pass a bill to enlarge Medina county, and reconsidered by the following vote:

Yeas—Senators Ball, Cole, Dillard, Evans, Ford, Finlay, Flanagan, King, Ruby, Sayers, Shelley, Swift, Word and Mr. President—14.

Nays—Senators Avinger, Baker, Fountain, Franks, Rawson and Randle—6.

On motion the Senate adjourned to 10 o'clock, A. M. to-morrow.

SENATE CHAMBER,
AUSTIN, TEXAS, March 29, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Avinger, the reading of the journal of yesterday was dispensed with.

Senator King presented a petition from the citizens of Bexar county, protesting against the dismemberment of that county. Read and passed to the orders of the day, to go with bill to enlarge the county of Medina.

Senator Shelley, chairman of the Committee on Finance, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Finance, to whom was referred House bill No. 308, to be entitled "An act to authorize the county of Marion to audit and fund the debt of said county," having carefully considered the same, instruct me to report the same back and recommend its passage.

N. G. SHELLEY, Chairman.

Senator Avinger, chairman of the Committee on Counties and County Boundaries, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Counties and County Boundaries, to whom was referred House bill No. 142, "An act to enlarge the area of Menard county," have duly considered the same, and instruct me to report it back, and recommend its passage.

H. J. AVINGER, Chairman.

Senator Latimer, chairman of the Committee on Enrolled Bills, submitted the following report: